

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**ISAAH GERAFFINO, LENFORD  
JOHNSTON, SARA FAUST, SUKOL  
PHAIROJ, CHELSEA LINDMAN,  
VIRGINIA WORLEY, ROSALINA  
WALTER and THOMAS CAMPBELL on  
behalf of themselves and all others similarly  
situated,**

**INDEX NO: 07-cv-06729 (RJS)**

**Plaintiffs,**

**v.**

**JEAN-GEORGES ENTERPRISES, LLC., *et*  
*al.***

**Defendants.**

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**DECLARATION OF MAIMON KIRSCHENBAUM**

I, Maimon Kirschenbaum, under penalty of perjury, declares as follows:

1. I am an attorney at Joseph & Herzfeld LLP, plaintiffs' counsel in the above-captioned matter.
2. Prior to the filing of Plaintiffs' motion for conditional certification on February 19, 2008, we had not received from Defendants any documents containing "clock-in" reports.
3. In or about the middle of April 2008, we received several sample copies of time reports from the various Defendant restaurants.
4. The reports reflect the time that an employee clocked in to the restaurant on each workday, when the employee clocked out, and how much the employee was subsequently paid

for. These reports showed that putative class members were systematically paid for less hours than the time they were clocked in.

5. We had no such documents or similar evidence of wide-spread time shaving at the time that we filed our original motion for conditional certification.

6. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Second Amended Complaint which was submitted on February 8, 2008.

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: New York, New York  
July 17, 2008

/s/ D. Maimon Kirschenbaum  
D. Maimon Kirschenbaum